

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 26, 2000

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. (Assigned) and S. Beaux, Deputy Clerk.

Each of the following:

B121480 People v. Earle
B131725 People v. Navarro & Barajas
B134514 People v. Rodriguez & Esparza
B134580 People v. Carter & Robinson
B135199 People v. Granados
B135639 People v. Tindall
B135728 People v. Renteria
B136253 People v. Zelenika
B136627 People v. Taylor
B137436 People v. Hughes
B137663 c/w B138952 DCFS v. Candee F.
B137816 DCFS v. Marlene K.
B137979 People v. Jackson
B137996 People v. Jones
B138206 People v. Gonzalez
B138224 People v. Toa
B138725 People v. Williams-Smith
B139078 People v. Gilbert M.
B139418 People v. Mouradian
B139425 People v. Cardenas
B142374 Elizabeth M. v. SCLA

Argument waived, cause submitted.

DIVISION ONE (Continued)

B132489 Williams
v.
Sung et al.

Merits:
Argued by Steven Cote for appellants and by Barbara Mandel for respondent. Cause submitted.

B132842 People
v.
Argomaniz

Merits:
Argued by Michael Ian Garey for appellant and no appearance for respondent. Cause submitted.

B138480 People
v.
Montano

Merits:
Argued by Larry L. Dixon for appellant and by Lauren E. Dana, Deputy Attorney General for respondent. Cause submitted.

B142626 Cedars-Sinai Imaging Medical Group
v.
Superior Court, Los Angeles County
(Moore, r.p.i.)

Merits:
Argued by Frances L. Diaz for real party in interest and by Barry B. Kaufman for petitioner. Cause submitted.

B132451 Niravtex Corporation
v.
Far East National Bank

Merits:
Argued by B. Nicholas Redding for appellant and by Margot A. Metzner for respondent. Cause submitted.

DIVISION ONE (Continued)

B134819 Allan-Harshman
 v.
 Harshman

Merits:

Argued by S. Roger Rombro for appellant and by Thomas Paine Dunlap for respondent. Cause submitted.

B137432 Krause
 v.
 Otto Nemenz International, Inc. et al.

Merits:

Argued by Waltraud Krause for appellant and by Mary E. Wright for respondents. Cause submitted.

B139667 People
 v.
 Jackson & Parks

Merits:

Argued by Leonard J. Klaif for appellant Jackson, by Carol S. Boyk for appellant Parks and by Michelle M. Raffile, Deputy Attorney General, for respondent. Cause submitted.

B136173 Lomeli et al.
 v.
 Kaiser Foundation Health Plan, Inc.

Merits:

Argued by Kurt Fritz for appellant and no appearance for respondent. Cause submitted.

Justice Ortega leaves the bench.

DIVISION ONE (Continued)

B125015 Phase 2 Developers, Corp
c/w B137193 v.
Citicorp Real Estate, Inc., et al.

Merits:
Argued by Michael W. McCann for appellant and by Richard B. Kendall
for respondents. Cause submitted.

Justice Ortega returns to the bench.

Presiding Justice Spencer leaves the bench.

B133256 Ma
v.
Grossman

Merits:
Argued by Michael L. Gilmore for appellant and by Jan G. Levine for
respondent. Cause submitted.

B136056 Holland
v.
American Federation of Television & Radio Artists

Merits:
Argued by Lawrence S. Strauss for appellant and by Mary E. Lynch for
respondent. Cause submitted.

Presiding Justice Spencer returns to the bench.

B137040 People
v.
Tebault

Merits:
Argued by Joanna McKim for appellant and by Juliet H. Swoboda, Deputy
Attorney General, for respondent. Cause submitted.

September 26, 2000-Continued

DIVISION ONE (Continued)

B134950 Alberg et al.
v.
Katz, Hoyt, Seigel & Kaport et al.

Merits:
Argued by Raymond G. Robinson for appellants and by Michael M. Bergfeld for respondents. Cause submitted.

Presiding Justice Spencer leaves the bench.

B125223 St. Clair
v.
Minet, Inc., et al.

Merits:
Argued by Terrence P. Krieger for appellant and by Brooks P. Marshall for respondents. Cause submitted.

Court adjourned.

B132283 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

September 26, 2000-Continued

DIVISION ONE (Continued)

B141495 People (Not for Publication)
v.
Clines

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B139751 People (Not for Publication)
v.
Terry Edward Scott, Jr.

We affirm the judgment (order revoking probation).

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B132141 People (Not for Publication)
v.
James Alvin Dulaney, et al.

The case is remanded to the trial court with directions to strike the \$10,000 parole revocation fine from each appellant's abstract of judgment, and to forward amended abstracts of judgment to the Department of Corrections. In all other respects, the judgments are affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

September 26, 2000-Continued

DIVISION TWO (Continued)

B135663 People (Not for Publication)
v.
Pablo Cesar Burgos

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION THREE

B133806 Jong Ho Kim, etc. (Not for Publication)
v.
Los Angeles County Metropolitan Transportation Authority, et al.

The judgment is affirmed in part and reversed in part. Each party to bear its own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B122771 People
v.
Kendrick Thomas White, Paul J. Todd

Filed order vacating submission order of June 27, 2000, due to press of other court business and the complexity of the issues in this case. Cause resubmitted.

DIVISION THREE (Continued)

B139380 Los Angeles County, D.C.S. (Not for Publication)

v.

Manuela Y.D.

In re Jose C., Jr.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B139008 Los Angeles County, D.C.S. (Not for Publication)

v.

Donna W.

In re Christopher W.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B142377 Heather B. (Not for Publication)

v.

Superior Court of Los Angeles County

Los Angeles County Department of Children and Family Services

The petition is denied.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION THREE (Continued)

B142660 Leticia T. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Petition denied by opinion.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B138084 Los Angeles County, D.C.S. (Not for Publication)
v.
Violeta L. et al.
In re Joe G. et al.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B135655 People (Not for Publication)
v.
Fleming

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B138625 Los Angeles County, D.C.S. (Not for Publication)
v.
Eva M.

The orders of the juvenile court are affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B139763 Bladel (Not for Publication)
v.
Vicon International Production

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B141758 Sandra G. (Not for Publication)

v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

Petition denied by opinion.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B137342 William Rosar
v.
Claremont Graduate

Filed order denying petition for rehearing.

DIVISION SIX

B139760 People (Not for Publication)

v.
Pedro N.

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

September 26, 2000-Continued

DIVISION SIX (Continued)

[illegible]

We reverse the convictions for carjacking (section 215, subd. (a)) and kidnapping (section 207, subd. (a)). We also correct the imposition of the consecutive sentence of two years for dissuading a witness (count 8) and order the sentence to be sixteen months. We also strike the section 667.5, subdivision (b) one-year enhancement. The trial court is directed to prepare an amended abstract of judgment reflecting these matters and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B133327 Chapek (Not for Publication)
v.
Morse

The judgment is affirmed. Respondents to recover costs.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B134321 Voivod (Not for Publication)
v.
Living Center of Canoga Park

The order denying the motion to compel arbitration is reversed, and the case is remanded with directions to the trial court to grant the motion to compel arbitration. Appellant shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B131050 Villalvazo (Not for Publication)
v.
Key Disposal, Inc.

The judgment is affirmed. Respondent shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B137062 Marshall (Not for Publication)
v.
Gibson, Dunn & Crutcher, et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B129826 John W. Kenney, III (Not for Publication)
 v.
 Laurence Loewy

The judgment is affirmed. Respondent shall recover her costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

B127162 People (Not for Publication)
 v.
 Babb

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.